

REMARKS

Reconsideration of this application is respectfully request d. The specification has been amended to indicate that this application is a continuation-in-part of copending U.S. Serial No. 09/373,033, filed September 4, 1998, which is a continuation-in-part of U.S. Serial No. 08/951,933, filed October 16, 1997. Claims 3 and 7 have been canceled without prejudice. Claims 1 and 4-6 have been amended. Claim 8 has been added. Support for claim 8 is found at, for example, original claim 4. Accordingly, claims 1, 2, 4-6, and 8 are pending and at issue.

Claims 3, 5, and 7 have been objected to. Claims 3 and 7 have been canceled without prejudice. Claim 5 has been amended as suggested by the Examiner to correct a typographical error, i.e., to change "age stops" to "age spots".

Claims 1, 3, and 5-7 have been rejected under 35 U.S.C. §112, first paragraph, for lack of enablement. In particular, the specification allegedly does not enable "a bioactive material which has active centers which are the same as or similar to active centers of said insulin". While applicants respectfully disagree with the Examiner, in order to expedite prosecution of this application, applicants have removed this phrase from claims 1, 5, and 6.

Claim 4 has also been rejected under 35 U.S.C. §112, first paragraph, for lack of enablement. In particular, the specification allegedly does not enable "a

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bioactive material which has active centers which are the same as or similar to active centers of said pancreatin". While applicants respectfully disagree with the Examiner, in order to expedite prosecution of this application, applicants have removed this phrase from claim 4.

Claim 4 has been rejected under 35 U.S.C. § 112, second paragraph, as indefinite. The phrases "such as", "and etc.", and "specifically peels excessive stratum corneum" are allegedly unclear. The phrases "such as" and "and etc. " have been removed from claim 4. The phrase "specifically peels excessive stratum corneum" has been rewritten as "causes peeling of excessive stratum corneum".

Claims 1-7 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 33-42 of copending Application No. 09/373,033. M.P.E.P. § 804(I)(B) states that

"[i]f the 'provisional' double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the 'provisional' double patenting rejection in the other application(s) into a double patenting rejection ..."

Since Application No. 09/373,033 has not yet been allowed, applicants respectfully submit that this provisional double patenting rejection should be withdrawn and this application passed to issue.

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Claims 1-7 have been rejected under 35 U.S.C. § 102(b) as anticipated by International Publication No. WO 99/18920 (WO '920).

This rejection is respectfully traversed and reconsideration is respectfully requested.

The present application has been amended to claim priority to copending Application No. 09/373,033, which claims the benefit of U.S. Serial No. 08/951,933. WO '920 also claims priority to U.S. Serial No. 08/951,933. Applicants respectfully submit that the effective priority date of the present application is earlier than the April 22, 1999 publication date of WO '920. Therefore, WO '920 is not a prior art reference to the present application. Accordingly, applicants respectfully request withdrawal of this rejection.

In view of the above remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

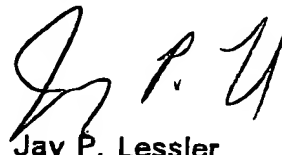
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If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Respons or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted



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Mark d-Up Specification and Claims
Accompanying August 5, 2002 Amendment
For U.S. Serial No. 09/748,466
(Docket No. 3142/1G877-US2)

IN THE SPECIFICATION:

At page 1, line 6 (after the paragraph "CROSS-REFERENCE TO RELATED APPLICATIONS"), with the following paragraph:

[Not Applicable] This application is a continuation-in-part of U.S. Serial No. 09/373,033, filed September 4, 1998, which is a continuation-in-part of U.S. Serial No. 08/951,933, filed October 16, 1997.

IN THE CLAIMS:

1. (Amended) A composition for topical application to skin, scalp or hair, which increases skin firmness and elasticity, reduces lines and wrinkles of skin, improves quality of connective tissues, promotes turnover of skin or scalp cells, promotes proliferation of skin or scalp cells, helps skin to repair damaged keratinocytes, improves age spots and clarity of skin, raises ability of skin or scalp to scavenge oxygen free radicals, treats UV-induced damage, raises ability of skin or scalp against UV-induced damage, promotes skin or scalp cells to absorb nutrition, rebuilds subcutaneous fat padding, treats aging of skin or scalp, prevents skin or scalp from aging, improves hair growth and quality, treats winter itch or

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atrophies of local skin, treats and neutralizes skin complications of corticosteroids in topical application, treats complications of skin and connective tissue caused by diabetes, prevents skin and connective tissue from complications caused by diabetes, and/or improves secretion of sebaceous and sweat glands, comprising:

insulin which can be natural, synthetic, recombinant, human or animal[; or a bioactive material which has active centers which are the same as or similar to active centers of said insulin].

4. (Amended) A composition for topical application to skin or scalp, which replenishes skin desquamation enzymes, [specifically] causes peeling of [peels] excessive stratum corneum, treats aging of skin or scalp, prevents skin or scalp from aging, or treats dermal diseases with defective desquamation [such as ichthyosis, psoriasis, acne, dandruff, and etc], comprising:

pancreatin which can be natural, synthetic, recombinant, human or animal; or [a bioactive material which has active centers which are the same as or similar to active centers of said pancreatin].

5. (Amended) A method of increasing skin firmness and elasticity, reducing lines and wrinkles of skin, improving quality of connective tissues, promoting turnover of skin or scalp cells, promoting proliferation of skin or scalp

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cells, helping skin or scalp to repair damaged keratinocytes, improving age [stops] spots and clarity of skin, raising ability of skin or scalp to scavenge oxygen free radicals, treating UV-induced damage, raising ability of skin or scalp against UV-induced damage, promoting skin or scalp cells to absorb nutrition, rebuilding subcutaneous fat padding, treating aging of skin or scalp, preventing skin or scalp from aging, improving hair growth and quality, treating winter itch or atrophies of local skin, treating and neutralizing skin complications of corticosteroids in topical application, treating complications of skin or connective tissue caused by diabetes, preventing skin and connective tissue from complications caused by diabetes, or improving secretion of sebaceous and sweat glands comprising:

topically applying insulin, which can be natural, synthetic, recombinant, human or animal, to skin, scalp or hair[; or

topically applying a bioactive material, which has active centers which are the same as or similar to active centers of said insulin, to skin, scalp or hair].

6. (Amended) The method of claim 5, wherein said method further includes using cosmetically or pharmaceutically acceptable ingredients to formulate a product of cosmetic or pharmaceutical comprising:

said insulin which can be natural, synthetic, recombinant, human or animal[; or

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said bioactive material which has said active centers which are the same as or similar to said active centers of said insulin].

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Pending Claims
Accompanying August 5, 2002 Amendment
For U.S. Serial No. 09/748,466
(Docket No. 3142/1G877-US2)

1. (Amended) A composition for topical application to skin, scalp or hair, which increases skin firmness and elasticity, reduces lines and wrinkles of skin, improves quality of connective tissues, promotes turnover of skin or scalp cells, promotes proliferation of skin or scalp cells, helps skin to repair damaged keratinocytes, improves age spots and clarity of skin, raises ability of skin or scalp to scavenge oxygen free radicals, treats UV-induced damage, raises ability of skin or scalp against UV-induced damage, promotes skin or scalp cells to absorb nutrition, rebuilds subcutaneous fat padding, treats aging of skin or scalp, prevents skin or scalp from aging, improves hair growth and quality, treats winter itch or atrophies of local skin, treats and neutralizes skin complications of corticosteroids in topical application, treats complications of skin and connective tissue caused by diabetes, prevents skin and connective tissue from complications caused by diabetes, and/or improves secretion of sebaceous and sweat glands, comprising: insulin which can be natural, synthetic, recombinant, human or animal.

2. (Unchanged) The composition for topical application to the skin, scalp and hair according to claim 1, wherein said composition further includes

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cosmetically or pharmaceutically acceptable ingredients to formulate a product of cosmetic or pharmaceutical.

4. (Amended) A composition for topical application to skin or scalp, which replenishes skin desquamation enzymes, causes peeling of excessive stratum corneum, treats aging of skin or scalp, prevents skin or scalp from aging, or treats dermal diseases with defective desquamation, comprising:

pancreatin which can be natural, synthetic, recombinant, human or animal.

5. (Amended) A method of increasing skin firmness and elasticity, reducing lines and wrinkles of skin, improving quality of connective tissues, promoting turnover of skin or scalp cells, promoting proliferation of skin or scalp cells, helping skin or scalp to repair damaged keratinocytes, improving age spots and clarity of skin, raising ability of skin or scalp to scavenge oxygen free radicals, treating UV-induced damage, raising ability of skin or scalp against UV-induced damage, promoting skin or scalp cells to absorb nutrition, rebuilding subcutaneous fat padding, treating aging of skin or scalp, preventing skin or scalp from aging, improving hair growth and quality, treating winter itch or atrophies of local skin, treating and neutralizing skin complications of corticosteroids in topical application, treating complications of skin or connective tissue caused by diabetes, preventing

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skin and connective tissue from complications caused by diabetes, or improving secretion of sebaceous and sweat glands comprising:
topically applying insulin, which can be natural, synthetic, recombinant, human or animal, to skin, scalp or hair.

6. (Amended) The method of claim 5, wherein said method further includes using cosmetically or pharmaceutically acceptable ingredients to formulate a product of cosmetic or pharmaceutical comprising:
said insulin which can be natural, synthetic, recombinant, human or animal.

8. The composition of claim 4, wherein the dermal disease is ichthyosis, psoriasis, acne, or dandruff.

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